

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 08-00889 WHA

Plaintiff,

v.

OWEN DUNN,

Defendant.

**ORDER DENYING DEFENDANT'S  
MOTION FOR RECONSIDERATION  
AND DENYING CERTIFICATE OF  
APPEALABILITY OF ORDER  
DENYING DEFENDANT'S MOTION  
UNDER SECTION 2255**

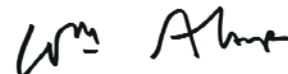
Defendant moves for reconsideration of the order denying his Section 2255 motion. His motion reargues the merits of his Section 2255 motion on the same grounds. As defendant has not been granted leave to file a motion for reconsideration and as his motion does not otherwise meet the requirements of Civil Local Rule 7-9, applicable here via Criminal Local Rule 2-1, defendant's motion is **DENIED**.

Defendant's motion raises the issue of a certificate of appealability, which may be construed as a request for one. Pursuant to 28 U.S.C. 2255(d) and Rule 11(a) of the Rules Governing Section 2255 Cases, defendant must make a substantial showing that his claims amounted to a denial of his constitutional rights or demonstrate that a reasonable jurist would find this Court's denial of his claims debatable or wrong. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). He has failed to do so. Consequently, a certificate of appealability is **DENIED**.

The Clerk shall serve this order on defendant and the government.

**IT IS SO ORDERED.**

Dated: July 8, 2011.



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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE